Development (1940) Department.

MS SERIES.

G.O. No. 1319

Dated 7-6-1940

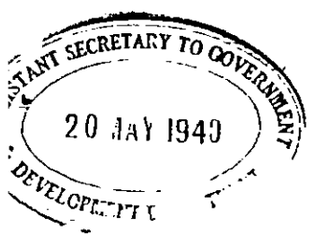
[Despatch Abstract.]

Fisheries - Fish curing yard - Hungarcutta - Provision of drying ground - Acquisition of site - Orders modified - Erratum to section 4 (1) notification and draft declaration under section 6 Published.

FISHERIES **DEPARTMENT.**

Received ..... 19 *Registered* 14114 19

Subject.



Fish curing yards - Hungarcutta - Shifting of sit
Land Acquisition - Errata to S.4(i) Notification
and draft declaration under section 6.

ENCLOSURES.
No. attached
Spare copies

Ref. No.1228-F/39

Station Madras, *Dated the* 17th May 19 40.

From (Name) Diwan Bahadur Dr.B.Sundara Raj,M.A.,Ph.D.,
(Designation) Director of Fisheries,

To The Secretary to the Government of Madras,
Development Department.

Sir,

Ref:- G.O.No.~~M~~.M.S.2227 Dev., dated 13.9.1939.

I have the honour to forward herewith letter No.R.Dis.3066/39 dated 29th April 1940 from the Collector of South Kanara District enclosing a draft declaration under Section 6 of the Land Acquisition Act and an erratum to the Section 4(i) Notification for necessary publication in the Fort St.George Gazette.

2. The Collector himself has dealt with the question of provision of funds to meet the cost of

Acquisition. I received intimation from the Collector that it might not be p ole to complete Acquisition before 31.3.40 only on 8th February 1940 and it was then too late to address Government for necessary provision in the Budget Estimate for 1940-41. I have the honour to request therefore that the sum of Rs.3,900/- now required may be sanctioned by Government under "Loans and advances by Provincial Government - G. Miscellaneous loans and advances - D - Loans relating to Fisheries Department advances to fish curers for storage sheds".

I have the honour to be,

Sir,

Your most obedient servant,

B. Sivaram Rao

Director of Fisheries.

MLM/17.5.

R.Dis.3066/39. South Kanara Collector's Office,
Camp Coondapoor, 29th April '40.

From

Sri Rao Bahadur V. Ponnuswami Pillai,
Collector of South Kanara.

To

The Secretary to Government,
Development Department,
M a d r a s.

Through

The Director of Fisheries,
M a d r a s.

Sir,

Land Acquisition - Udipi Taluk - Kodi village S.Nos.83/1A etc. - Hangarkatta fish curing yard - Errata to Section 4(1) notification and draft declaration under Section 6 - submitted.

Ref:- G.O.No.R.Ms.2227 Dev., dated 13.9.1939.

The Revenue Divisional officer, Coondapoor has held further enquiries under Section 5A of the Land Acquisition Act. I enclose a copy of his report, R.Dis.2936/40, dated 11.4.1940, from which it will be seen that objections were raised only to the original valuation and not to the acquisition. The Revenue Divisional officer has inspected the lands and modified the valuation of some of the improvements found on the lands. A revised valuation statement is enclosed. It will show that an amount of Rs 3899.15.1 will be required for the acquisition as against Rs.3625.15.3 previously estimated. As the amount of Rs.3600/- sanctioned in G.O.No.Ms.858, Dev., dated 1.4.1939 could not be spent during 1939-40 and as some additional amount is now required, I request that provision may be made for a sum of Rs.3900/- (Rupees three thousand nine hundred only) in

the budget estimate for 1940-41.

2. In the course of his inspection, the Revenue Divisional officer has found that small bits of S.Nos. 83/1B & 85/1 have been encroached upon by the adjoining land-holders. He therefore proposes that the Section 4(1) Notification already published may be amended. I enclose a draft declaration under Section 6 of the Act as also an erratum to the Section 4(1) Notification and request that they may kindly be approved and ordered to be published in the Fort St. George Gazette.

original at. H.3-5 B.P. 2221 Dt. 13.9.39 ©

© 1/15-1 below

p 13 below

For Collector.

Copy to Pt 3-4 above

R.Dis.3066/39. South Kanara Collector's Office,
Camp Coondapoor, 29th April '40.

From

Sri Rao Bahadur V. Ponnuswami Pillai,
Collector of South Kanara.

To

The Secretary to Government,
Development Department,
M a d r a s.

Through

The Director of Fisheries,
M a d r a s.

Sir,

Land Acquisition - Udipi Taluk - Kodi village S.Nos.83/1A etc. - Hangarkatta fish curing yard - Errata to Section 4(1) notification and draft declaration under Section 6 - submitted.

Pt 13 below
Pt 15-17 below

Ref:- G.O.No.Ms.2227 Dev., dated 13.9.1939.

The Revenue Divisional officer, Coondapoor has held further enquiries under Section 5A of the Land Acquisition Act. I enclose a copy of his report, R.Dis.2936/40, dated 11.4.1940, from which it will be seen that objections were raised only to the original valuation and not to the acquisition. The Revenue Divisional officer has inspected the lands and modified the valuation of some of the improvements found on the lands. A revised valuation statement is enclosed. It will show that an amount of Rs.3899.15.1 will be required for the acquisition as against Rs.3625.15.3 previously estimated. As the amount of Rs.3600/- sanctioned in G.O.No.Ms.858, Dev., dated 1.4.1939 could not be spent during 1939-40 and as some additional amount is now required, I request that provision may be made for a sum of Rs.3900/- (Rupees three thousand nine hundred only) in

7-9 below
11 below

the budget estimate for 1940-41.

2. In the course of his inspection, the Revenue Divisional officer has found that small bits of S.Nos. 83/1B & 85/1 have been encroached upon by the adjoining land-holders. He therefore proposes that the Section 4(1) Notification already published may be amended. I enclose a draft declaration under Section 6 of the Act as also an erratum to the Section 4(1) Notification and request that they may kindly be approved and ordered to be published in the Fort St. George Gazette.

For Collector.

Report-from the Revenue Divisional Officer, Coondapoor.
To-the Collector of South Kanara.
Dated-Coondapoor, 11th April 1940.
No.-R.Dis.2936/40.

Land Acquisition - Udipi Taluk - Kodi village Fish curing yard, Hangarkatta - Declaration under section 6 - Submitted.

Ref: Your B5-3066-39, dated 19.1.1940 and my letter Ref.B-2936-39, dated 24.1.1940.

----- In response to the notice issued under Section 5 A of the Land Acquisition Act, the parties filed objections regarding the valuation made in respect of the plots proposed to be acquired. In all, 8 objection petitions have been received from the persons named in the margin.

1. Chandra - in respect of S.No.85/1.
2. Sukra Markala and Guruva Markala - S.Nos. 86/4A,5A & 10.
3. Lores Andrade - S.Nos.86/4A,5A & 9 and 10
4. Dakla Bapu Saiba - S.Nos.83/1A & 1B.
5. Bibirabiambi - S.Nos.85/1.
6. Sesha Pujari - S.No.85/2.
7. Budan Saiba - S.Nos.83/1A & 1B.
8. Venkatramana Holla - S.No.85/2.

All except No.5 Bibirabiambi have merely stated that the valuation made was low without furnishing any basis for their contentions. Bibirabiambi however claims a compensation of Rs.600/- in respect of the buildings, well and the tank existing on the northern half of S.No.85/1.

2. In view of the objections put forward by the claimants, the papers were sent to the Tahsildar, Udipi who after inspection submitted his report N.Dis.11904/39. dated 29.1.1940. The Tahsildar in his report referred to above suggested that the plots in question might be inspected by me as there is difference in the valuation of the buildings according to his valuation and the original valuation by the then Tahsildar.

3. I have accordingly inspected the plots involved

in these acquisition proceedings. The buildings, trees, wells and other improvements noticed by the Tahsildar were found by me to exist. Slight variations have been noticed and a note has been made of them. I have had to differ from the Tahsildar generally in regard to the valuation of the buildings. The Tahsildar has not furnished any basis for his valuation and it appears to be arbitrary. The original valuation statement made by the previous Tahsildar was also not available in my file. I have taken the ----- measurements of the buildings, etc., which are generally old, mud-walled, thatched houses, and valued them on a fixed basis. The revised required valuation statement is ---- enclosed. p.11 below

4. In this case, the land, buildings and trees have been valued separately. The land has been valued unfformly at Rs.200/- per acre. On enquiry, I find that lands in the vicinity with improvements such as buildings, trees, etc. of the kind existing in the present plots have been sold in previous years at about Rs.1000/- per acre. The valuation now made in respect of S.Nos.83/1B, 85/1, and 85/2, which contain such buildings and cocoanut trees also comes to about Rs.1000/- per acre. I, therefore, consider that the rate of Rs.200/- fixed for the bare land in this case is reasonable.

5. S.Nos.83/1B and 85/1 are sanctioned sub-divisions and they have been proposed to be acquired. There is a fence on the eastern side of S.No.83/1B, allowing a portion of it to fall beyond the fence. This portion beyond the fence is in the enjoyment of Koppala Hammad Saiba, the mulgenidar of the adjoining plot - the mulgar being the Shirur Mutt. There are three cocoanut trees and three cocoanut plants, the value of which alone has been ------ estimated at Rs.13/-. Similarly, a small portion of ----

S.No.85/1 proposed to be acquired falls within the fence of the adjoining plot, - S.No.85/3. The extent is about two cents. It contains four cocoanut trees and two plants, the value of which comes to Rs.16.8.0. This portion is in the enjoyment of the holder of S.No. 85/3. In the notification issued under section 4(1) of the Land Acquisition Act, the names of the persons who have been in actual possession of the portions of S.Nos. 83/1B and 85/1 have not been included. In view of the instructions contained in para 2 of B.P.Mis.No.3909/29, dated 24.12.29, communicated with Collector's endorsement F.No.28/30, dated 4.1.1930, I think an erratum is now necessary with regard to S.Nos.83/1B and 85/1. I, therefore, submit herewith draft erratum to section 4(1) notification so that it may be published before the ---- publication of the declaration under section 6 of the Land Acquisition Act.

6. The records of preliminary enquiry, 5-A enquiry and draft declaration under section 6 of the Land Acquisition Act are enclosed.

/True Copy/

For Collector.

2.5.20

Revised Valuation statement.

Survey numbers.	Extent.	Value of Land.	House.	Wells.	Trees.	Total.	15% solatium.	Grand total.
	Acre.							
83-1A	0.25	50.0.0	35.0.0	1.0.0	121.12.0	207.12.0	31.2.7	238.14.7
83-1B	0.43	86.0.0	70.0.0	28.0.0	193. 4.0	377. 4.0	56.9.5	433.13.5
85-1	1.10	220.0.0	299.0.0	36.0.0	428. 8.0	983. 8.0	147.8.5	1131. 0.5
85-2	1.00	200.0.0	590.0.0	54.0.0	346. 8.0	1190. 8.0	178.9.2	1369. 1.2
86-5A	0.20	40.0.0	35.0.0		76. 4.0	151. 4.0	22.11.0	173.15.0
86-4A	0.19	38.0.0	53.0.0	5.0.0	66. 0.0	162. 0.0	24.4.10	186.4.10
86-9	0.28	56.0.0	5.0.0	1.0.0	95. 0.0	157. 0.0	23.8.10	180.8.10
86-10	0.27	54.0.0		15.0.0	93. 0.0	162. 0.0	24.4.10	186.4.10
Total:	3.72	744.0.0	1087.0.0	140.0.0	1420. 4.0	3391. 4.0	508.11.1	3899.15.1

Revenue Divisional office,
Coondapoor, dated 11.4.40.

Sd/- U. Kumaraya,
Revenue Divisional Officer.

/True Copy/

For Collector.

Errata to Notification under the Land Acquisition Act.

In the notification No.777, under Section 4(1) of the Land Acquisition Act I of 1894 as amended by the Land Acquisition (Amendment) Act XXXVIII of 1923, published at pages 1215-1216 of Part I of the Fort St. George Gazette, dated 19.9.1939 for the acquisition of lands for fish curing yard at Hangarcatta in Kodi village, Udipi Taluk, South Kanara District.

Against the name of the owners or occupiers of S.No.83/1B Add Vittal Devaru of Shirur Mutt and Koppala Hammad Saiba. | A

Against the name of the owners or occupiers of S.No.85/1 Add Venkataramana Holla and Shankernarayana Hebbara. | B

South Kanara Collector's Office,
Mangalore, 29th April 1940.

For Collector.

R. P. XVIII-A-8-7,000—1-3-...

NOTIFICATION.

UNDER section 6 of the Land Acquisition Act ~~the Governor in Council~~ Government of Madras hereby declares that the land specified below and measuring acres 0.72 be the same a little more or less, is needed for a public purpose, to wit, for Fish curing yard, Hangarkatta and under sections 3 and 7 of the same Act, the Revenue Divisional Officer, Coondapoor is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land. ~~(Under sub-section (1) of section 17 of the Act the Governor in Council further directs that the possession of the said land may be taken on the expiry of 15 days from the date of the publication of the notice mentioned in section 9 (1) of the Act)~~ A plan of the land is kept in the office of the Revenue Divisional Officer, Coondapoor and may be inspected at any time during office hours.

SCHEDULE.

District. (1)	Taluk. (2)	Village. (3)	Description of land, wet or dry, inam or poramboke, with Survey or Paimash number. (4)	Name of owner or occupier. (5)	Boundaries of the land required to be taken up. North. (6)	East. (7)	South (8)	West. (9)	Extent to be taken up (10)
									Acres
South Kanara	Udipi	Kodi	Ryotwari, garden, S.No. 83/1A	Sapu Saiba, Moidin Saiba and Khatijabi (Mulgars) Katif Adam Saiba (Registered holder) Budan Saiba (usufructuary mortgagee).	83/3A3 & 83/3B3	83/1B	85/2	84	0.25
Do.	Do.	Do.	Do. 83/1B & 1A	Do. and Vittal Devaru of Shirur Mutt, Koppala Hammad Saiba.	83/3B3	83/2	85/2	83/1A	0.43
Do.	Do.	Do.	Do. 85/1	Kalmadi Krishna Rao (Registered holder) Bibirabi-ambi chandra (Mulgenidars) Sheshi (usufructuary mortgagee of Mulgeni right of Chandra) Mira Saiba and Putta Markala Venkataramana Holla and Shankara Narayana Hebbara.	85/2	85/3	86/10 & 86/5A	84	1.10
Do.	Do.	Do.	Do. 85/2	Venkataramana Holla & Shankara Narayana Hebbara (Registered holders) Abdul-rahiman Saiba and Tejappa Hegde - Mulgeni-dars.	83/1A & 83/1B	85/3	85/1	84	1.00

NOTE.—The provision under the urgency clause should be deleted when not required.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
South Kanara.	Udipi.	Kodi.	Ryotwari, garden 86/4A.	Narashimha Kamthi (Registered holder) Lores Andrade (Mulgenidar) Sukra Markala.	86/5A	86/4B	86/3	86/9	0.19
Do.	Do.	Do.	Do. 86/5A	Narashimha Kamthi (Registered holder) Sukra Markala (Mulgenidar) Lores Andrade.	85/1	86/5B	86/4A	86/10	0.20
Do.	Do.	Do.	Do. 86/9	Lores Andrade.	86/10	86/4A	86/8	84 and 87/1B.	0.28
Do.	Do.	Do.	Do. 86/10	Sukra Markala (Registered holder) Lores Andrade.	85/1	86/5A	86/9	84	0.27
								Total:	3.72

South Kanara Collector's office,
Mangalore, 29th April 1940.

For Collector.

2.5.40

DEVELOPMENT DEPARTMENT.

Sub: Fish Curing Yard - Hungarcutta - Provision of drying ground - Acquisition of sites - Expenditure - Provision - Draft declaration under section 6 and errata.

....

From the D.F.No.1228-F/39, dated 17 - 5 - 1940)

To A.S.

In G. O. No. 858 (Ms) Development, dated the 1st April 1939 sanction was accorded to the acquisition of sites measuring about 3.72 acres for providing drying grounds for the fish curing yard at Hungarcutta at a cost of about Rs. 3,600. This amount was provided in the B.E. for 1939-40 under "Loans and advances by Provincial Government - G. Miscellaneous loans and advances - D. Loans relating to the Fisheries Department - Advances to fish curers for storage sheds" The cost of the land was ordered to be recovered from the ticket holders by means of a cess but without interest. The notification under section 4 (1) of the Land Acquisition Act was published in September 1939.

2. The D.F. now reports that the acquisition proceedings could not be completed before the 1st April 1940 and that according to the revised valuation statement forwarded by the Collector -- South Kanara, the cost of the land amounts to Rs. 3,900/-. He requests that this sum may be provided in the current year. The provision made in the B.E. for 1940-41 under 'D. Loans relating to the Fisheries Department' is only Rs.100/-. This is intended for the grant of loans to divers for purchase of canoes. The expenditure of Rs. 3,900/- in connection with the acquisition of land for the Hungarcutta fish curing yard may be met by re-appropriation from the savings which may accrue later in the year under "Grant XXXVIII- Loans and Advances

bearing interest" or by obtaining a supplementary grant. The A.G. may be authorised to admit the expenditure in audit pending provision of funds.

3. The Collector of South Kanara has reported that objections were raised only to the original valuation of the lands and not to their acquisition. The valuation has now been modified with reference to the improvements found on the land. As there have been no objections to the acquisition itself, the draft declaration under section 6 of the Land Acquisition Act need not be submitted through the Board of Revenue. The notification under section 4 (1) has been compared with the draft declaration now forwarded by the Collector. Apart from the names of persons in actual possession of portions of S.Nos. 83/1B and 85/1 (now to be added and) in respect of which an erratum has been submitted, there is a small discrepancy in the name of the registered holder of S.Nos. 86/4A and 86/5A The name as given in the section 4 (1) notification is Narasimha Kamath while it is entered as Narasimha Kamthi (in the draft declaration) It is understood that both Kamath and Kamthi mean the same and the draft declaration has been corrected accordingly. The draft declaration and erratum may be approved and published.

Nos 13 and

4. A draft order is submitted for approval. It may be sent to Finance for acceptance.

ASSISTANT SECRETARY TO GOVERNMENT
6 - JUN 1940
DEVELOPMENT DEPARTMENT

1335

29/5/40.

29/5

20/5/40

Fin (Exp.)

Dev No 14114 (1) 40-1

The draft order may be accepted and the case returned to Dev.

Finance

4.6.40.

5/6/40 Dev

31. 5 40

Fin. B.C.

Read 1.6.40

No 21078 Exp-1

5.6.40

Issue

DEVELOPMENT DEPARTMENT.

C.F.17.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined..		
When signed ..		
When despatched.		

SUBJECT:—

FISHERIES - Fish curing yard - Hungarcutta - Provision of drying ground - Acquisition of site - Orders modified - Erratum to section 4 (1) and draft declaration under section 6 - Published.

READ AGAIN G.O.No.858 Ms.Dev, dated 1-4-1939. 19

" " G.O.No.2227(Ms) Dev. 13-9-1939. 19

READ *ALSO*:- (From the Collector of S.Kanara, No.R.Dis.306/39 Dd.29-4-40.

No.14114-VI/40 From the D. F. Ref.No.1228-F/39 dated 17-5-1940

" " " " 19

" " " " 19

Order Ms. Resolution Rout. No.1319, dated 7-6-1940.

In modification of paragraph 1 of G.O.No.858 (Ms) Development, dated the 1st April 1939, sanction is accorded to the acquisition of sites measuring 3.72 acres for providing drying ground for the fish curing yard at Hungarcutta at a cost not exceeding Rs. 3,900/- (Rupees three thousand nine hundred). The expenditure should be debited to the head "Loans & Advances bearing interest" g. Miscellaneous loans and Advances - D. Loans relating to the Fisheries Department. Orders will be issued later as regards provision of funds in the current year.

The A.G. is authorised to admit the expenditure in audit pending provision of funds.

2. The draft erratum to the notification under section 4 (1) and the draft declaration under section 6 of the Land Acquisition Act submitted by the Collector of South Kanara, with his letter read above are approved and are forwarded to the Superintendent, Government Press, for publication. The erratum should be published in English in the Fort Saint George Gazette and the declaration should be published in English in the Fort Saint George Gazette and in English and in Kannada in the South Kanara District Gazette. The S.G.P. is requested to see that the erratum and the declaration are published in successive issues (not in the same issue) of the Fort Saint George Gazette, the erratum being published earlier.

Bosho

To the D. F. Dpt.'s in
To the A. G. thro' Fin.
To the Collector of South Kanara.
To the S.G.P. (para 2 only with an erratum and a declaration in diglott for publication)

Para 2-

C. B. E. No 63

10-6-4